

CERTIFICATION OF ENROLLMENT
SUBSTITUTE SENATE BILL 6384

Chapter 15, Laws of 2004

58th Legislature
2004 Regular Session

DOMESTIC VIOLENCE--PENALTIES, PROGRAM PAYMENT

EFFECTIVE DATE: 6/10/04

Passed by the Senate March 8, 2004
YEAS 49 NAYS 0

BRAD OWEN

President of the Senate

Passed by the House March 2, 2004
YEAS 95 NAYS 0

FRANK CHOPP

Speaker of the House of Representatives

CERTIFICATE

I, Milton H. Doumit, Jr.,
Secretary of the Senate of the
State of Washington, do hereby
certify that the attached is
SUBSTITUTE SENATE BILL 6384 as
passed by the Senate and the House
of Representatives on the dates
hereon set forth.

MILTON H. DOUMIT JR.

Secretary

Approved March 15, 2004.

FILED

March 15, 2004 - 3:00 p.m.

GARY F. LOCKE

Governor of the State of Washington

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 6384

AS AMENDED BY THE HOUSE

Passed Legislature - 2004 Regular Session

State of Washington 58th Legislature 2004 Regular Session

By Senate Committee on Judiciary (originally sponsored by Senators Esser, Thibaudeau, Keiser, Regala, Eide, McCaslin, Rasmussen, Oke, Prentice, B. Sheldon, Kline, Murray, McAuliffe, Kohl-Welles and Roach)

READ FIRST TIME 02/06/04.

1 AN ACT Relating to penalties against convicted domestic violence
2 offenders to pay for domestic violence programs; amending RCW 3.50.100,
3 3.62.090, 10.82.070, 3.46.120, 3.62.040, and 35.20.220; reenacting and
4 amending RCW 3.62.020; adding a new section to chapter 10.99 RCW;
5 creating a new section; and prescribing penalties.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

7 NEW SECTION. **Sec. 1.** The legislature recognizes that domestic
8 violence is a growing and more visible public safety problem in
9 Washington state than ever before, and that domestic violence-related
10 incidents have a significant bearing on overall law enforcement and
11 court caseloads. The legislature further recognizes the growing costs
12 associated with domestic violence prevention and advocacy programs
13 established by local governments and by community-based organizations.

14 It is the legislature's intent to establish a penalty in law that
15 will hold convicted domestic violence offenders accountable while
16 requiring them to pay penalties to offset the costs of domestic
17 violence advocacy and prevention programs. It is the legislature's
18 intent that the penalties imposed against convicted domestic violence
19 offenders under section 2 of this act be used for established domestic

1 violence prevention and prosecution programs. It is the legislature's
2 intent that the revenue from the penalty assessment shall be in
3 addition to existing sources of funding to enhance or help prevent the
4 reduction and elimination of domestic violence prevention and
5 prosecution programs.

6 NEW SECTION. **Sec. 2.** A new section is added to chapter 10.99 RCW
7 to read as follows:

8 (1) All superior courts, and courts organized under Title 3 or 35
9 RCW, may impose a penalty assessment not to exceed one hundred dollars
10 on any person convicted of a crime involving domestic violence. The
11 assessment shall be in addition to, and shall not supersede, any other
12 penalty, restitution, fines, or costs provided by law.

13 (2) Revenue from the assessment shall be used solely for the
14 purposes of establishing and funding domestic violence advocacy and
15 domestic violence prevention and prosecution programs in the city or
16 county of the court imposing the assessment. Revenue from the
17 assessment shall not be used for indigent criminal defense. If the
18 city or county does not have domestic violence advocacy or domestic
19 violence prevention and prosecution programs, cities and counties may
20 use the revenue collected from the assessment to contract with
21 recognized community-based domestic violence program providers.

22 (3) The assessment imposed under this section shall not be subject
23 to any state or local remittance requirements under chapter 3.46, 3.50,
24 3.62, 7.68, 10.82, or 35.20 RCW.

25 (4) For the purposes of this section, "convicted" includes a plea
26 of guilty, a finding of guilt regardless of whether the imposition of
27 the sentence is deferred or any part of the penalty is suspended, or
28 the levying of a fine. For the purposes of this section, "domestic
29 violence" has the same meaning as that term is defined under RCW
30 10.99.020 and includes violations of equivalent local ordinances.

31 (5) When determining whether to impose a penalty assessment under
32 this section, judges are encouraged to solicit input from the victim or
33 representatives for the victim in assessing the ability of the
34 convicted offender to pay the penalty, including information regarding
35 current financial obligations, family circumstances, and ongoing
36 restitution.

1 **Sec. 3.** RCW 3.50.100 and 1995 c 291 s 3 are each amended to read
2 as follows:

3 (1) Costs in civil and criminal actions may be imposed as provided
4 in district court. All fees, costs, fines, forfeitures and other money
5 imposed by any municipal court for the violation of any municipal or
6 town ordinances shall be collected by the court clerk and, together
7 with any other noninterest revenues received by the clerk, shall be
8 deposited with the city or town treasurer as a part of the general fund
9 of the city or town, or deposited in such other fund of the city or
10 town, or deposited in such other funds as may be designated by the laws
11 of the state of Washington.

12 (2) Except as provided in section 2 of this act, the city treasurer
13 shall remit monthly thirty-two percent of the noninterest money
14 received under this section, other than for parking infractions, and
15 certain costs to the state treasurer. "Certain costs" as used in this
16 subsection, means those costs awarded to prevailing parties in civil
17 actions under RCW 4.84.010 or 36.18.040, or those costs awarded against
18 convicted defendants in criminal actions under RCW 10.01.160,
19 10.46.190, or 36.18.040, or other similar statutes if such costs are
20 specifically designated as costs by the court and are awarded for the
21 specific reimbursement of costs incurred by the state, county, city, or
22 town in the prosecution of the case, including the fees of defense
23 counsel. Money remitted under this subsection to the state treasurer
24 shall be deposited as provided in RCW 43.08.250.

25 (3) The balance of the noninterest money received under this
26 section shall be retained by the city and deposited as provided by law.

27 (4) Penalties, fines, bail forfeitures, fees, and costs may accrue
28 interest at the rate of twelve percent per annum, upon assignment to a
29 collection agency. Interest may accrue only while the case is in
30 collection status.

31 (5) Interest retained by the court on penalties, fines, bail
32 forfeitures, fees, and costs shall be split twenty-five percent to the
33 state treasurer for deposit in the public safety and education account
34 as provided in RCW 43.08.250, twenty-five percent to the state
35 treasurer for deposit in the judicial information system account as
36 provided in RCW 2.68.020, twenty-five percent to the city general fund,
37 and twenty-five percent to the city general fund to fund local courts.

1 **Sec. 4.** RCW 3.62.020 and 1995 c 301 s 31 and 1995 c 291 s 5 are
2 each reenacted and amended to read as follows:

3 (1) Except as provided in subsection (4) of this section, all
4 costs, fees, fines, forfeitures and penalties assessed and collected in
5 whole or in part by district courts, except costs, fines, forfeitures
6 and penalties assessed and collected, in whole or in part, because of
7 the violation of city ordinances, shall be remitted by the clerk of the
8 district court to the county treasurer at least monthly, together with
9 a financial statement as required by the state auditor, noting the
10 information necessary for crediting of such funds as required by law.

11 (2) Except as provided in section 2 of this act, the county
12 treasurer shall remit thirty-two percent of the noninterest money
13 received under subsection (1) of this section except certain costs to
14 the state treasurer. "Certain costs" as used in this subsection, means
15 those costs awarded to prevailing parties in civil actions under RCW
16 4.84.010 or 36.18.040, or those costs awarded against convicted
17 defendants in criminal actions under RCW 10.01.160, 10.46.190, or
18 36.18.040, or other similar statutes if such costs are specifically
19 designated as costs by the court and are awarded for the specific
20 reimbursement of costs incurred by the state or county in the
21 prosecution of the case, including the fees of defense counsel. Money
22 remitted under this subsection to the state treasurer shall be
23 deposited as provided in RCW 43.08.250.

24 (3) The balance of the noninterest money received by the county
25 treasurer under subsection (1) of this section shall be deposited in
26 the county current expense fund.

27 (4) All money collected for county parking infractions shall be
28 remitted by the clerk of the district court at least monthly, with the
29 information required under subsection (1) of this section, to the
30 county treasurer for deposit in the county current expense fund.

31 (5) Penalties, fines, bail forfeitures, fees, and costs may accrue
32 interest at the rate of twelve percent per annum, upon assignment to a
33 collection agency. Interest may accrue only while the case is in
34 collection status.

35 (6) Interest retained by the court on penalties, fines, bail
36 forfeitures, fees, and costs shall be split twenty-five percent to the
37 state treasurer for deposit in the public safety and education account
38 as provided in RCW 43.08.250, twenty-five percent to the state

1 treasurer for deposit in the judicial information system account as
2 provided in RCW 2.68.020, twenty-five percent to the county current
3 expense fund, and twenty-five percent to the county current expense
4 fund to fund local courts.

5 **Sec. 5.** RCW 3.62.090 and 2003 c 380 s 1 are each amended to read
6 as follows:

7 (1) There shall be assessed and collected in addition to any fines,
8 forfeitures, or penalties assessed, other than for parking infractions,
9 by all courts organized under Title 3 or 35 RCW a public safety and
10 education assessment equal to seventy percent of such fines,
11 forfeitures, or penalties, which shall be remitted as provided in
12 chapters 3.46, 3.50, 3.62, and 35.20 RCW. The assessment required by
13 this section shall not be suspended or waived by the court.

14 (2) There shall be assessed and collected in addition to any fines,
15 forfeitures, or penalties assessed, other than for parking infractions
16 and for fines levied under RCW 46.61.5055, and in addition to the
17 public safety and education assessment required under subsection (1) of
18 this section, by all courts organized under Title 3 or 35 RCW, an
19 additional public safety and education assessment equal to fifty
20 percent of the public safety and education assessment required under
21 subsection (1) of this section, which shall be remitted to the state
22 treasurer and deposited as provided in RCW 43.08.250. The additional
23 assessment required by this subsection shall not be suspended or waived
24 by the court.

25 (3) This section does not apply to the fee imposed under RCW
26 46.63.110(7) ~~((\oplus))~~, the penalty imposed under RCW 46.63.110(8), or the
27 penalty assessment imposed under section 2 of this act.

28 **Sec. 6.** RCW 10.82.070 and 1995 c 292 s 3 are each amended to read
29 as follows:

30 (1) All sums of money derived from costs, fines, penalties, and
31 forfeitures imposed or collected, in whole or in part, by a superior
32 court for violation of orders of injunction, mandamus and other like
33 writs, for contempt of court, or for breach of the penal laws shall be
34 paid in cash by the person collecting the same, within twenty days
35 after the collection, to the county treasurer of the county in which
36 the same have accrued.

1 (2) Except as provided in section 2 of this act, the county
2 treasurer shall remit monthly thirty-two percent of the money received
3 under this section except for certain costs to the state treasurer for
4 deposit as provided under RCW 43.08.250 and shall deposit the remainder
5 as provided by law. "Certain costs" as used in this subsection, means
6 those costs awarded to prevailing parties in civil actions under RCW
7 4.84.010 or 36.18.040, or those costs awarded against convicted
8 defendants in criminal actions under RCW 10.01.160, 10.46.190, or
9 36.18.040, or other similar statutes if such costs are specifically
10 designated as costs by the court and are awarded for the specific
11 reimbursement of costs incurred by the state or county in the
12 prosecution of the case, including the fees of defense counsel. Costs
13 or assessments awarded to dedicated accounts, state or local, are not
14 subject to this state allocation or to RCW 7.68.035.

15 (3) All fees, fines, forfeitures and penalties collected or
16 assessed by a district court because of the violation of a state law
17 shall be remitted as provided in chapter 3.62 RCW as now exists or is
18 later amended. All fees, fines, forfeitures, and penalties collected
19 or assessed by a superior court in cases on appeal from a lower court
20 shall be remitted to the municipal or district court from which the
21 cases were appealed.

22 **Sec. 7.** RCW 3.46.120 and 1995 c 291 s 2 are each amended to read
23 as follows:

24 (1) All money received by the clerk of a municipal department
25 including penalties, fines, bail forfeitures, fees and costs shall be
26 paid by the clerk to the city treasurer.

27 (2) Except as provided in section 2 of this act, the city treasurer
28 shall remit monthly thirty-two percent of the noninterest money
29 received under this section, other than for parking infractions, and
30 certain costs to the state treasurer. "Certain costs" as used in this
31 subsection, means those costs awarded to prevailing parties in civil
32 actions under RCW 4.84.010 or 36.18.040, or those costs awarded against
33 convicted defendants in criminal actions under RCW 10.01.160,
34 10.46.190, or 36.18.040, or other similar statutes if such costs are
35 specifically designated as costs by the court and are awarded for the
36 specific reimbursement of costs incurred by the state, county, city, or

1 town in the prosecution of the case, including the fees of defense
2 counsel. Money remitted under this subsection to the state treasurer
3 shall be deposited as provided in RCW 43.08.250.

4 (3) The balance of the noninterest money received under this
5 section shall be retained by the city and deposited as provided by law.

6 (4) Penalties, fines, bail forfeitures, fees, and costs may accrue
7 interest at the rate of twelve percent per annum, upon assignment to a
8 collection agency. Interest may accrue only while the case is in
9 collection status.

10 (5) Interest retained by the court on penalties, fines, bail
11 forfeitures, fees, and costs shall be split twenty-five percent to the
12 state treasurer for deposit in the public safety and education account
13 as provided in RCW 43.08.250, twenty-five percent to the state
14 treasurer for deposit in the judicial information system account as
15 provided in RCW 2.68.020, twenty-five percent to the city general fund,
16 and twenty-five percent to the city general fund to fund local courts.

17 **Sec. 8.** RCW 3.62.040 and 1995 c 291 s 6 are each amended to read
18 as follows:

19 (1) Except as provided in subsection (4) of this section, all
20 costs, fines, forfeitures and penalties assessed and collected, in
21 whole or in part, by district courts because of violations of city
22 ordinances shall be remitted by the clerk of the district court at
23 least monthly directly to the treasurer of the city wherein the
24 violation occurred.

25 (2) Except as provided in section 2 of this act, the city treasurer
26 shall remit monthly thirty-two percent of the noninterest money
27 received under this section, other than for parking infractions and
28 certain costs, to the state treasurer. "Certain costs" as used in this
29 subsection, means those costs awarded to prevailing parties in civil
30 actions under RCW 4.84.010 or 36.18.040, or those costs awarded against
31 convicted defendants in criminal actions under RCW 10.01.160,
32 10.46.190, or 36.18.040, or other similar statutes if such costs are
33 specifically designated as costs by the court and are awarded for the
34 specific reimbursement of costs incurred by the state, county, city, or
35 town in the prosecution of the case, including the fees of defense
36 counsel. Money remitted under this subsection to the state treasurer
37 shall be deposited as provided in RCW 43.08.250.

1 (3) The balance of the noninterest money received under this
2 section shall be retained by the city and deposited as provided by law.

3 (4) All money collected for city parking infractions shall be
4 remitted by the clerk of the district court at least monthly to the
5 city treasurer for deposit in the city's general fund.

6 (5) Penalties, fines, bail forfeitures, fees, and costs may accrue
7 interest at the rate of twelve percent per annum, upon assignment to a
8 collection agency. Interest may accrue only while the case is in
9 collection status.

10 (6) Interest retained by the court on penalties, fines, bail
11 forfeitures, fees, and costs shall be split twenty-five percent to the
12 state treasurer for deposit in the public safety and education account
13 as provided in RCW 43.08.250, twenty-five percent to the state
14 treasurer for deposit in the judicial information system account as
15 provided in RCW 2.68.020, twenty-five percent to the city general fund,
16 and twenty-five percent to the city general fund to fund local courts.

17 **Sec. 9.** RCW 35.20.220 and 1995 c 291 s 4 are each amended to read
18 as follows:

19 (1) The chief clerk, under the supervision and direction of the
20 court administrator of the municipal court, shall have the custody and
21 care of the books, papers and records of said court; he shall be
22 present by himself or deputy during the session of said court, and
23 shall have the power to swear all witnesses and jurors, and administer
24 oaths and affidavits, and take acknowledgments. He shall keep the
25 records of said court, and shall issue all process under his hand and
26 the seal of said court, and shall do and perform all things and have
27 the same powers pertaining to his office as the clerks of the superior
28 courts have in their office. He shall receive all fines, penalties and
29 fees of every kind, and keep a full, accurate and detailed account of
30 the same; and shall on each day pay into the city treasury all money
31 received for said city during the day previous, with a detailed account
32 of the same, and taking the treasurer's receipt therefor.

33 (2) Except as provided in section 2 of this act, the city treasurer
34 shall remit monthly thirty-two percent of the noninterest money
35 received under this section, other than for parking infractions and
36 certain costs to the state treasurer. "Certain costs" as used in this
37 subsection, means those costs awarded to prevailing parties in civil

1 actions under RCW 4.84.010 or 36.18.040, or those costs awarded against
2 convicted defendants in criminal actions under RCW 10.01.160,
3 10.46.190, or 36.18.040, or other similar statutes if such costs are
4 specifically designated as costs by the court and are awarded for the
5 specific reimbursement of costs incurred by the state, county, city, or
6 town in the prosecution of the case, including the fees of defense
7 counsel. Money remitted under this subsection to the state treasurer
8 shall be deposited as provided in RCW 43.08.250.

9 (3) The balance of the noninterest money received under this
10 section shall be retained by the city and deposited as provided by law.

11 (4) Penalties, fines, bail forfeitures, fees, and costs may accrue
12 interest at the rate of twelve percent per annum, upon assignment to a
13 collection agency. Interest may accrue only while the case is in
14 collection status.

15 (5) Interest retained by the court on penalties, fines, bail
16 forfeitures, fees, and costs shall be split twenty-five percent to the
17 state treasurer for deposit in the public safety and education account
18 as provided in RCW 43.08.250, twenty-five percent to the state
19 treasurer for deposit in the judicial information system account as
20 provided in RCW 2.68.020, twenty-five percent to the city general fund,
21 and twenty-five percent to the city general fund to fund local courts.

Passed by the Senate March 8, 2004.

Passed by the House March 2, 2004.

Approved by the Governor March 15, 2004.

Filed in Office of Secretary of State March 15, 2004.